

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1/10/2024

## GLANSTEIN LLP

Counselors at Law

711 Third Avenue – 17th Floor  
New York, New York 10017  
Tel: (212) 370-5100  
Fax: (212) 697-6299

[www.glansteinllp.com](http://www.glansteinllp.com)

January 9, 2024

### VIA ECF

Hon. Mary Kay Vyskocil  
United States District Judge  
United States District Court – Southern District of New York  
500 Pearl Street – Room 2230  
New York, NY 10007

Re: Defendants' Letter Requesting Adjournment of the Initial Scheduling  
Conference on January 19, 2024 in *Mota et al. v. Abalon Exterminating Co., et al.*  
Case No. 22-CV-7602 (MKV) – Our File No. 200-467(B)

Dear Judge Vyskocil:

This firm is counsel to the Defendants Abalon Exterminating Company, Dorothy Frost, and Irwin Noval (hereinafter "Defendants") in the above referenced matter. We write to request adjournment *sine die* of the Initial Conference now scheduled before the court by phone on January 19, 2024 at 2:30pm until Defendants' proposed Motion to Dismiss all federal and state law claims raised in Plaintiffs' First Amended Complaint served on them last month is resolved. Defendants' basis for their Rule 12 motion is outlined in their pre-motion letter also filed with the court today. Defendants also request a stay of further discovery until all disputes they have outlined in the pre-motion letter as to the sufficiency of the pleadings are resolved, and an Answer is filed for any remaining claims. Defendants are prepared to proceed swiftly with their motion to dismiss and anticipate it can be fully briefed within the next 30-40 days.

On January 3<sup>rd</sup> Defendants requested Plaintiff's counsel's position on adjournment of the initial conference and for Plaintiffs to proceed with filing their proposed Amended Complaint, but have not yet received any reply. Defendants are now proceeding with the filing of their request for an adjournment in order to comply with the time limits set forth in the Court's December 5, 2023 Initial Conference Notice and Order.

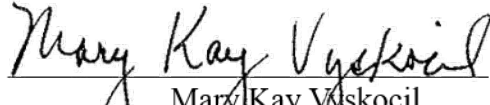
Respectfully submitted,

/s/ David M. Glanstein  
David M. Glanstein

Cc: Plaintiffs' Counsel (via ECF)

Defendants' request to adjourn the initial pretrial conference scheduled for January 19, 2024 is DENIED. The parties are still required to file on ECF an amended joint letter and amended Proposed Case Management Plan in accordance with the Court's December 5, 2023 order, on or before January 12, 2024. Failure to comply with the deadlines set forth herein and any other orders in this case, the local rules, or the Court's Individual Rules of Practice may result in sanctions, including monetary penalties, preclusion at trial of information not provided, or preclusion and/or dismissal of claims or defenses. SO ORDERED. The Clerk of Court is respectfully requested to terminate docket entry number 43.

Date: 1/10/2024  
New York, New York

  
Mary Kay Vyskocil  
United States District Judge